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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,648	03/31/2005	Norbert Klinke	66383-039-5	1992

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EXAMINER

PILKINGTON, JAMES

ART UNIT PAPER NUMBER

3682

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/529,648

Applicant(s)

KLINKE, NORBERT

Examiner

James Pilkington

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Specification***

1. The amendment filed September 21, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

- The drawings now show 6 axially-extending strips, there was no disclosure of the number of strips in the original filling
- The drawings now show the axially extending strips extend radially inward on the cylindrical part, there was no disclosure of this arrangement in the original filling
- The drawings now show the shield 22 is formed as a semi-circular member, there was no disclosure directed toward the size and shape of the shield upon original filling

Applicant is required to cancel the new matter in the reply to this Office Action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Re clm 1, the specification is silent about the arrangement of the second end of the spring. The specification discloses that the first end of the spring is secured (to the worm wheel, pg 4 ln 3-5) but does not say that the second end is free. Furthermore, the examiner does not see how the device would function if the other end of the spring is free because the spring would freely rotate around the plastic bushing and not expand or contract to brake the system.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-8, and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk 6,561,055 in view of Harada, USP 4,651,854.

Re clm 1, Turk discloses an actuator comprising:

- A reversible motor (22)
- A transmission (24,50,26,56)
- A movable adjustment element (32a,32b)
- A cylindrical part (36l, 36t)
- A coil spring (30) with the first end secured to a rotating element (56) and a second end that is free (not attached to rotating element)

Turk does not disclose that the coil spring is arranged in alignment with an axis of the rotating element so that the spring is carried along in rotation on the cylindrical part.

Harada teaches that a coil spring (33a or 33b) is arranged in alignment with an axis of the rotating element (pinion 22a) so that the spring is carried along in rotation on a cylindrical part (32) for the purpose of providing a spring coupler brake which permits tolerances in the clearances between members while achieving absolute precision in its action (C2/L65-68).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the teachings of Turk and arrange the coil spring in alignment with an axis of the rotating element so that the spring is carried along in rotation on a cylindrical part, as taught by Harada, for the purpose of providing a spring coupler brake which permits tolerances in the clearances between members while achieving absolute precision in its action.

Re clm 5, Turk discloses that the cylindrical part (36l,36t) forms part of a bracket (36) mounted on the front end of the motor (22).

Re clm 6, Turk discloses that the transmission comprises a worm drive with a worm (24,26) and a worm wheel (50,56), said coil spring (30) having its one end connected to the worm wheel (56, Fig 7)

Re clm 7, Turk discloses that the coil spring (30) is secured to the worm wheel (56) with a radially outwardly bent end (Fig 7).

Re clm 8, Turk discloses that the coil spring (30) is secured in a hole of the worm wheel with an axially bent end (Fig 7).

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Re clm 10, Turk discloses that the coil spring (30) is of metal, and that the wire forming the spring has a circular cross-section (Fig 7).

6. Re clms 2-4 and 9 Turk in view of Harada discloses the claimed invention as disclosed above. Turk also discloses that cylindrical part (36l, 36t) has a bushing (36l is that bushing) secured against rotation and Harada also discloses that the cylindrical part (32) has axially-extending strips (32b and 32d see Figure 3) {clm 4} and a heat conducting shield (24a, inside wall is in frictional engagement with the spring C3/L60-68, friction creates heat which would then be absorbed by the inside wall of the casing) {clm 9}. Turk in view of Harada does not disclose the use of metal and plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the cylindrical part out of metal and plastic and the shield out of metal to provide for improved heat absorption and wear resistance, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Pilkington whose telephone number is (571) 272-5052. The examiner can normally be reached on Monday-Friday 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

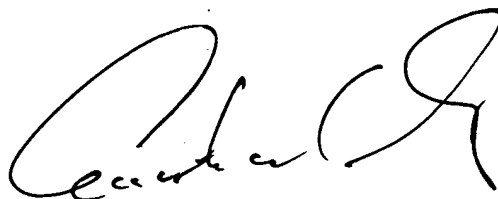
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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10-10-06

A handwritten signature in black ink, appearing to read 'Richard Ridley', is positioned above the printed name and title.

RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER